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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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MARIE RITA KENNEDY-LEBAR AND  
CHRIS MURPHY, *on behalf of  
themselves and all others similarly  
situated,*

Plaintiffs,  
v.

VOLKSWAGEN GROUP OF  
AMERICA, INC.,

Defendant.

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**CASE NUMBER:  
2:10-cv-05126-KM-MF**

**Honorable Kevin McNulty**

**NOTICE OF MOTION AND  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS  
ACTION SETTLEMENT**

**TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF  
RECORD:**

**PLEASE TAKE NOTICE** that on October 15, 2012 at 10:00 a.m., or as soon thereafter as the matter may be heard in Courtroom PO 03 of the above-captioned Court, located at 50 Walnut Street, Newark, New Jersey 07101, the Honorable Kevin McNulty presiding, Plaintiffs Marie Rita Kennedy-Lebar, Chris

Murphy, D. Alexander Davis, and Ludette Crisler will, and hereby do, move this Court to:

1. Preliminarily approve the Settlement Agreement (“Settlement Agreement” or “Settlement”), attached as Exhibit A to the Declaration of G. Arthur Meneses.
2. Conditionally certify, for settlement purposes only, a settlement class consisting of all persons and entities who purchased or leased, within the United States of America, any 2005 and 2006 model year Audi A4 (B7) vehicle, 2005 model year Audi A4 (B6) vehicle, and 2004, 2005, 2006 and 2007 (pre-GP) model year Volkswagen Touareg vehicle, imported and distributed by defendant Volkswagen Group of America, Inc., for sale or lease in the United States of America, which was equipped with factory installed HID Headlight Parts.
3. Appoint Plaintiffs as Class Representatives.
4. Appoint Initiative Legal Group APC, Strategic Legal Practices APC, Seeger Weiss LLP, The Law Office of Robert Starr, Patrick Law Firm, P.C., Premier Legal Center, A.P.C., Bailey Perrin Bailey and Hughes Ellzey, LLP as Class Counsel.
5. Set a hearing date for final approval of the class action settlement.

This Motion is based upon: (1) this Notice of Motion and Motion; (2) the Memorandum of Points and Authorities in Support of Motion for Preliminary

Approval of Class Action Settlement; (3) the Declaration of G. Arthur Meneses; (4) the [Proposed] Order Granting Preliminary Approval of Class Action Settlement, filed concurrently herewith; (5) the records, pleadings, and papers filed in this action; and (6) upon such other documentary and oral evidence or argument as may be presented to the Court at the hearing of this Motion.

Dated: September 21, 2012

Respectfully submitted,  
Seeger Weiss LLP

By: /s/ Scott Alan George

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